

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

|              |   |                             |
|--------------|---|-----------------------------|
| HIP, INC.,   | ) |                             |
|              | ) |                             |
| Plaintiff,   | ) |                             |
|              | ) |                             |
| v.           | ) | Civil Action No. 18-802-CFC |
|              | ) |                             |
| HORMEL FOODS | ) |                             |
| CORPORATION, | ) |                             |
|              | ) |                             |
| Defendant.   | ) |                             |

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**MEMORANDUM ORDER**

Pending before the Court are Defendant Hormel Foods Corporation's Objections to The Magistrate Judge's Order Dated March 31, 2020 (D.I. 75).

In her March 31<sup>st</sup> oral order, the Magistrate Judge denied Hormel's request for an order to compel Plaintiff HIP, Inc. to produce certain documents HIP had provided to third-party Marlen International.

"Pursuant to 28 U.S.C. § 636(b)(1)(A) and Federal Rule of Civil Procedure 72(a), non-dispositive pre-trial rulings made by magistrate judges on referred matters should only be set aside if clearly erroneous or contrary to law." *Masimo Corp. v. Philips Electronics North America Corporation*, 2010 WL 2836379, at \*1 (D. Del. July 15, 2010). "A finding is clearly erroneous if the determination "(1) is completely devoid of minimum evidentiary support displaying some hue of

credibility, or (2) bears no rational relationship to the supportive evidentiary data . . .” *Id.* (quoting *Haines v. Liggett Group Inc.*, 975 F.2d 81, 92 (3d Cir.1992)).

Applying this standard to the Magistrate Judge’s Order, the Court finds no error in her decision. The Magistrate Judge thoughtfully addressed the arguments raised by Hormel in support of its motion to compel. The Court is persuaded by the Magistrate Judge’s conclusions that the documents in question are protected from discovery under the common interest doctrine and HIP did not waive any privilege.

NOW THEREFORE, IT IS HEREBY ORDERED that Defendant Hormel Foods Corporation’s Objections to The Magistrate Judge’s Order Dated March 31, 2020 (D.I. 75) are OVERRULED.

5.27.20  
Date

  
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United States District Judge